

POST CONVICTION UNIT PROTOCOLS

Purpose:

The Juvenile Post Conviction and Re-Entry Unit (PCU) was established to fulfill the Division's obligation to its juvenile clients under Practice Book §3-9(e). The PCU provides post conviction advocacy to all clients represented by Public Defenders and Special Public Defenders.

Responsibilities:

The PCU represents clients at: parole revocation hearings; treatment plan hearings; administrative case reviews, treatment plan conferences, discharge planning meetings and educational meetings. Motions for extension of commitments will be handled on a case by case basis. The Unit also responds to complaints regarding conditions of confinement and claims of abuse and neglect against DCF operated and licensed facilities as well as any other event that occurs between the client and DCF during the commitment period. The PCU does not represent clients at Permanency Plan Hearings.

Referral Process:

The PCU becomes aware of a client only when a referral is sent from the field office or from a Special Public Defender. DCF will not provide information on committed children unless the Unit represents that the child is an active client. If a referral is not received by the Unit, that child will not be represented during their commitment period. The PCU will compare the number of committed clients reported in the monthly statistics to the referrals received by the Unit. If the field office did not refer a client who was reported as committed, the field office will need to determine the identity of the client and send a referral to the Unit.

The referral form and release of information form should be executed on the day the child is committed. ***A client should not be referred and information relating to the client's representation should not be shared with the PCU unless the client has executed the "Comprehensive Release of Information."*** An explanation of the Unit should be given to the child and their parent/guardian. Business cards should be provided so that the client can contact the Unit if problems arise prior to the Unit's initial contact. The referral should be sent immediately so that a contact can be scheduled prior to the Treatment Planning Conference (which usually occurs 30 days after the child is placed). ***It is crucial that the field office provide the PCU with whatever information is necessary to adequately represent the client. Any evaluations or Pre-Dispositional Studies that provide insight to the client should be included with the referral.***

If the field office or SPD would like to provide post conviction advocacy to the client, the box on the bottom of the form should be checked. In this case, the PCU would maintain an active client listing on their database, but would not appear on behalf of the client. The active listing would ensure that any information that comes to the attention of the Unit would be passed to the field office or SPD.

If the client is referred to the Unit for post conviction advocacy, the field office or SPD will play a minimal role (Permanency Plan Hearing and any new criminal charges) during the commitment period. When the Unit and the field office attempt to “share” the post conviction advocacy, this can create problems with duplication of effort and confusion on behalf of the client and others providing services to the client.

Communications:

The PCU will provide documentation and periodic updates to the field office attorney and social worker or SPD. This information is intended for use at the Permanency Plan Hearings and to keep the office informed of the client’s progress (or lack thereof). When known, the PCU will inform the field office attorney or SPD when a client has been arrested and when they will be appearing in court.

The field office and SPD should provide information to the PCU when it becomes known to them. Most parole officers do not contact the PCU when a client is arrested. If a client appears in your court for an arraignment, please do not assume that the Unit is aware of the situation. Informing the Unit of the client’s arrest and the eventual disposition of the case is crucial.

If the field office or SPD have questions at any point in time during the commitment period they are encouraged to contact the PCU.

Motions for Extension of Commitment

The responsibility for representing clients at extension hearings will be determined on a case by case basis. The Assistant Attorney Generals will be asked to serve the PCU with notice of the extension motion. Upon receipt of the motion, the PCU will conference with the field office attorney and a decision will be made as to who will represent the client at the hearing. . In most cases where the client has not been referred on new charges, the motion to extend commitment will be handled by the PCU. In some situations, the field office attorney and the PCU will represent the client together. At a minimum, there should be an open exchange of information regarding the client between the PCU and the field office.